

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LAJAMEIKA MIMS,

Plaintiff

vs.

PRIME NOW LLC,¹

Defendant.

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CIVIL ACTION NO. 4:22-CV-00446

DEFENDANT PRIME NOW LLC'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Prime Now LLC ("Defendant") files this Notice of Removal of the above-entitled action from the 281st Judicial District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division, and respectfully shows the Court as follows:

**I.
BACKGROUND**

1. On November 2, 2021, Plaintiff Lajameika Mims ("Plaintiff") filed this civil action, Cause No. 2021-72045, in the 281st Judicial District Court of Harris County, Texas, and requested a jury trial.

2. On January 11, 2022, counsel for Defendant accepted service, on behalf of Amazon.com Services LLC, of Plaintiff's Original Petition. *See* Exhibit 1. On January 28, at Defendant's request, Plaintiff filed her First Amended Petition, which dismissed Amazon.com

¹ As explained in Paragraph No. 2, although Amazon.com Services LLC was originally named as a defendant in Plaintiff's original petition, Plaintiff's First Amended Petition only identifies Prime Now LLC as the defendant. To avoid confusion, Defendant's counsel has changed the caption of the case to match the only named defendant.

Services LLC as a defendant and substituted in defendant Prime Now LLC (the entity which actually employed Plaintiff). On February 1, 2022, Defendant's counsel accepted service on behalf of Prime Now LLC. *See* Exhibit 1.

3. Copies of all pleadings and papers filed in the state court action, including the docket sheet, are attached hereto as Exhibit 1 and incorporated herein by reference.

4. In this lawsuit, Plaintiff alleges disability discrimination and retaliation in violation Chapter 21 of the Texas Labor Code ("Chapter 21) and the Texas Commission on Human Rights Act. Within 30 days after the service of Plaintiff's Original Petition, and well-before the 30 days of service of Plaintiff's Amended Petition, Defendant files this Notice of Removal based upon diversity jurisdiction.

II.

DIVERSITY JURISDICTION

5. This Court has subject matter jurisdiction in this case based upon diversity jurisdiction. 28 U.S.C. § 1332. Diversity jurisdiction exists in a civil matter where the amount in controversy exceeds \$75,000, exclusive of interests and costs, and the dispute is between citizens of different states. *Id.* at § 1332(a)(1). Both of the requirements for diversity jurisdiction are met in this case.

A. The Amount in Controversy Exceeds \$75,000.

6. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs. In her Original Petition and First Amended Petition, Plaintiff expressly pleads that she seeks monetary relief of "over \$200,000 but not more than \$1,000,000." *See* Exhibit 1, Pl's Original Petition ¶4 and Pl's First Amended Petition ¶5. The amount in controversy, therefore, exceeds \$75,000.

B. There is Complete Diversity of Citizenship.

7. The second requirement for removal is also established because there is complete diversity of citizenship. Specifically, at the time of the filing of Plaintiff's First Amended Petition and at the time of removal, Plaintiff was and is an individual who is a citizen of Texas. *See* Exhibit 1, Pl's First Amended Petition ¶1.).

8. Further, at the time of filing of Plaintiff's Amended Petition and at the time of removal, Defendant Prime Now LLC was and is a citizen of a state other than Texas. Defendant Prime Now LLC was at the time of filing this action, and remains, a limited liability company organized under the laws of the State of Delaware. Defendant's principal place of business is Seattle, Washington, which is where Defendant's centralized administrative functions and operations are based and it is the actual center of director, control, and coordination for its operations. *See* Exhibit 2, Declaration of Zane Brown, ¶¶ 3-4. Further, no member or owner of Defendant is a citizen of Texas. *See id.* at ¶¶ 3-5.

9. Accordingly, Plaintiff is a citizen of Texas, and Defendant is a citizen of Delaware and Washington, resulting in complete diversity of citizenship among the parties.

III.
PROCEDURAL ALLEGATIONS

10. The Southern District of Texas, Houston Division, is the federal district and division that encompasses the 281st Judicial District of Harris County, Texas. *See* 28 U.S.C. §124(d)(7). This Notice of Removal is filed within 30 days of Defendant having been served with Plaintiff's Original Complaint and is therefore timely filed under 28 U.S.C. §§1441(a) and (b) and 1446.

11. As required by 28 U.S.C. §1446(d), a Notice to State Court of Filing Notice of Removal, along with a copy of this Notice of Removal, will be promptly filed in the 281st Judicial

District, Harris County, Texas, and served on Plaintiff. (A copy of the Notice to State Court of Filing Notice of Removal is attached hereto as Exhibit 3).

WHEREFORE, Defendant respectfully removes this action from the 281st Judicial District, Harris County, Texas, to this Court.

Dated: February 10, 2022

Respectfully submitted,

Of Counsel:

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on February 10, 2022, a true and correct copy of the above and foregoing instrument was served on counsel for Plaintiff via email and certified mail, return receipt requested, as follows:

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/s/ Nehal S. Anand

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